

Oversight Hearing: Subsistence in Alaska
Senate Select Committee on Indian Affairs
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Testimony of Mike Williams
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Good afternoon, Mr. Chairman, Members of the Committee.

On behalf of the 180 tribal governments who are members of the Alaska Inter-Tribal Council, I want to express thanks to this Committee for taking time to hear our concerns about subsistence. More than that, Senator Inouye, I wish to add the thanks of individual tribal members, many, many of whom, in this year of 2002, hunt, fish and gather not only for themselves and their families, but to share the bounty of the land and waters with others in their communities, as has been our tradition for hundreds of years. Thank you for listening to us.

The great majority of our people have never left Alaska; some rarely ever leave the immediate vicinity of their villages. I think it is true to say that many do not read newspapers, and for them a legal brief is an alien document. Policies and written laws and regulations are likewise foreign concepts. Their idea of a law is what they were taught by parents or elders, as they set out to learn how to support themselves from the land. Increasingly, Mr. Chairman, they are feeling the stress of ever more restrictive regulation; ever narrowing seasons; decreasing fish stocks and game populations.

Some of our people do deal on a daily basis with the task of maintaining legal protections for our way of life. What they have fought over the past twenty or thirty years are more or less public relations and policy battles:

- for historic accuracy;
- for regulatory fairness;
- for semantic truth.

When we speak of **historic accuracy**, what we want people to remember is the reason why Title 8 of the Alaska National Interest Lands Conservation Act exists. Let me read into the record today that reason, as set forth by the late Congressman Morris Udall, on November 12, 1980:

"...ANILCA...fully reflects the commitment that...[was] made to the Alaska Native people [when their land claims were passed by Congress]....

"Although there are many non-Natives living a subsistence way of life in rural Alaska...**the subsistence title would not be included in the bill if non-Native subsistence activities were the primary focus of concern.** Rather, the subsistence title and other subsistence provisions are included in recognition of the ongoing responsibility of the Congress to protect the opportunity for continued subsistence uses in Alaska **by the Alaska Native people**, a responsibility [which is] consistent with our well-recognized constitutional authority to manage Indian Affairs."

Today, there are people who would like Congress to think that ANILCA was promulgated in a kind of policy vacuum, without consideration for the aboriginal rights of our people, who earned those rights by using and occupying vast amounts of Alaska – for subsistence. Without that history of aboriginal use and occupancy, there would have been no basis for our land claims.

When we speak of **regulatory fairness**, we speak of a situation where our peoples' subsistence needs and concerns have been pushed to the bottom of the agendas for the Alaska State Boards of Fish and Game. Time after time, we have seen our proposals voted down because the State system requires management by agencies who are manned by political appointees. And politics being what it is, those appointees represent well-funded, well-organized commercial fishers and sport hunters and fishers.

Mr. Chairman, our tribes would have liked to welcome and support State management of subsistence, because we are not only tribal citizens, we are also Alaskan citizens. But it is difficult, if not impossible, to support a system that routinely neglects the needs of tribal hunters, fishers and gatherers.

Finally, Mr. Chairman, I speak of **semantic truth**. That word, *semantic*, comes from a French word, *semantique* which, in turn derives from an old Greek word, *semantikos*. Their meanings stem from the verb, "to signify" – which comes from yet an older word meaning, "to mark".

We in Alaska have watched a small but politically powerful group of people attempt to mark out the boundaries of the subsistence issue. They have almost succeeded in convincing the general public that the subsistence issue is one centered around geography and discrimination. The two arguments are condensed into their strident statement that legal protection of subsistence in the federal law in ANILCA, amounts to "discrimination by zip code".

Which brings us back to accuracy in reporting history. Title 8 of ANILCA says that federal law shall protect not Alaska Natives or tribes, but "rural Alaska residents". That language stems from a compromise that our leaders reluctantly accepted at the time ANILCA was passed by Congress. We accepted it because our villages were, and many still are, located in remote and rural areas of Alaska. But we have never forgotten Morris Udall's assurances that the original intent of Title 8 was to protect the ability of our villages to support themselves from the land and waters of Alaska.

Since the enactment of our land claims, the Alaska Native people have expended untold costs in dollars, human resources, and the attendant social stresses on our people, on the subsistence issue that is before you today. It is the position of the Alaska Inter-Tribal Council that we would have been better able to direct our precious resources toward improving the quality of life for our tribal members, if our aboriginal hunting and fishing rights had not been extinguished at the time our land claims were settled in 1971.

On April 2, the City of Anchorage included on its municipal elections ballot a question: should Alaska's voters be allowed to vote on the subsistence issue? The result was an uncompromising, 'Yes'. In spite of that outcome, the leaders of the legislative majority were quoted in the

Anchorage Daily News as saying they would still oppose a State law to protect subsistence. Instead, they said, they will continue to push for changes to Title 8 of ANILCA.

I call on this Committee to lead an effort to place this issue back where it belongs: in the hands of the Congress. Felix Cohen said this nation's founding fathers acted in wisdom to place the affairs of tribes in your hands. After all, the states of this union are committed by law (and by politics) to consider the desires and needs of every one of their citizens, regardless of race. And tribes, as few in number as we are, are vulnerable to the nearsighted policies necessitated by that fact. Only Congress possesses the political objectivity that can see beyond the parochial fights, to the best interests of tribes, their governments, and their members.

We would like this Committee to consider carefully a proposal to repeal the section of the Alaska Native Claims Settlement Act, which extinguished our aboriginal hunting and fishing rights. You have that power.